

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**USDC NO. 1:09-11705-NG**

**JONATHAN GREEN  
Plaintiff,**

**v.**

**TIMOTHY McCARTHY, the CITY  
OF BOSTON, the  
COMMISSIONER OF THE  
BOSTON POLICE DEPARTMENT  
EDWARD DAVIS,  
Defendants.**

**DEFENDANT, CITY OF BOSTON AND POLICE COMMISSIONER EDWARD DAVIS'  
MOTION FOR SUMMARY JUDGMENT**

---

Now come the City of Boston and Police Commissioner Edward Davis and move pursuant to Fed. R. Civ. P. 56 for summary judgment. As grounds, the City of Boston and Commissioner Davis state that they are entitled to judgment as a matter of law based on the Plaintiff's failure to prove that Defendant McCarthy committed a constitutional violation, and in the alternative that the Plaintiff is unable to submit any evidence to demonstrate that the City and Commissioner Davis failed to properly train or supervise Defendant McCarthy. As further grounds in support of this motion, the City and Commission submit the attached memorandum of law.

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, a copy of this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

May 21, 2012 /s/ Lisa Skehill Maki  
Date Lisa Skehill Maki

Respectfully submitted,  
DEFENDANT, CITY OF BOSTON  
William F. Sinnott,  
Corporation Counsel

By its attorneys,

/s/ Lisa Skehill Maki  
Lisa Skehill Maki, BBO # 675344  
Michelle Hinkley BBO #  
Assistant Corporation Counsel  
City of Boston Law Department  
One City Hall Plaza, Room 615  
Boston, MA 02201  
(617) 635-4022 (Maki)  
(617) 635-3238 (Hinkley)  
[Lisa.Maki@cityofboston.gov](mailto:Lisa.Maki@cityofboston.gov)  
[Michelle.Hinkley@cityofboston.gov](mailto:Michelle.Hinkley@cityofboston.gov)

**7.1 Certification**

Undersigned counsel certifies that on May 21, 2012, pursuant to LR, D. Mass. 7.1(a)(2), counsel for the Defendant, City of Boston, Michelle Hinkley, attempted to confer with counsel for the Plaintiff and was unable to reach him in order to resolve or narrow the issues.

Date: May 21, 2012

/s/ Lisa Skehill Maki  
Lisa Skehill Maki